

REMARKS

This Amendment amends claim 1 and adds new claim 12. Support for the amendment to claim 1 and new claim 12 is found, for example, in the specification at page 15, lines 11-14 and page 10, lines 9-11. Claims 1, 3, 11 and 12 are now present in this application.

Claims 1, 3, and 11 stand rejected under 35 U.S.C. §103(a) for obviousness over U.S. Patent No. 5,693,134 to Stephens (hereinafter "Stephens"). In view of the above amendments and remarks, reconsideration of these rejections is respectfully requested.

Claim 1, as amended, is directed to a transparent coated article comprising a transparent glass substrate selected from a flat glass sheet or a glass ribbon and a transparent coating comprising a mixture of copper oxide and manganese oxide over the substrate. The coating has a molar ratio of copper to manganese in the range of about 0.8 to 1.2. Additionally, the transparent coated article has a blue color in transmission.

As discussed on page 3 of the previous Decision On Appeal, Stephens is directed to interference pigments based on platelet-shaped substrates, such as glass flakes, coated with titanium dioxide and additionally oxidic compounds of copper and manganese. These pigments are incorporated into coating compositions.

The pigment of the Stephens patent is used as a replacement for conventional metal pigments in paints. (Column 1, lines 44-50). These pigmented paints can be used in stylings with dark colors to eliminate the necessity for carbon black. (Column 1, lines 44-50). Specifically, the pigments of the Stephens patent are dark gray in color, such that they provide "excellent hiding power" and are used for paint for outdoor use, such as paints for cars (Column 1, lines 59-61; Column 3, lines 59-61).

Stephens does not teach or suggest the transparent article of claim 1 comprising a flat glass sheet or a glass ribbon having the claimed

transparent coating. Pigments, as disclosed by the Stephens' patent, that are dark gray in color and provide "excellent hiding power" would not be suitable for producing the transparent article of claim 1. In fact, the Stephens patent, which teaches pigments having "excellent" hiding power, teaches away from the transparent article of the claimed invention, which may be used for various industrial applications, including as an automotive windshield (Specification page 4, lines 32-35). Therefore, claim 1 is believed to be patentable over Stephens. Reconsideration of the rejection of claim 1 is respectfully requested.

Claims 3 and 11 depend from claim 1 and are believed patentable for the same reasons as claim 1.

New claim 12 is directed to a transparent coated article comprising a transparent glass substrate selected from a flat glass sheet or a glass ribbon and a transparent coating comprising a mixture of copper oxide and manganese oxide directly over the substrate. The majority of the coating is cubic $\text{Cu}_{1.4}\text{Mn}_{1.6}\text{O}_4$ spinel type-phase and the coating has the molar ratio of copper to manganese in the range of about 0.8 to 1.2. Additionally, the transparent coated article has a blue color in transmission.

Newly presented claim 12 is believed patentable in view of the Stephens patent for the same reasons as claim 1. Additionally, the transparent coating of claim 12 is deposited directly over the substrate, whereas the oxidic compounds of copper and manganese in the Stephens patent are deposited on a TiO_2 coated platelet-shaped substrate. (Column 2, lines 14-16). Since deposition on a TiO_2 coated platelet-shaped substrate is not the same as a deposition directly over the substrate, claim 12 is believed to be patentable in view of the Stephens patent.

Finally, the majority of the transparent coating of claim 12 is cubic $\text{Cu}_{1.4}\text{Mn}_{1.6}\text{O}_4$ spinel type-phase, whereas the rutile phase, as caused by the use of TiO_2 is preferred by the Stephens patent. (Column 3, lines 1-5). For the foregoing reasons allowance of claim 12 is respectfully requested.

Application No.: 10/693,463
Paper Dated: May 27, 2008
In Reply to the Office Action dated February 25, 2008
Attorney Docket No.: 1320D2

Conclusion

In view of the above amendments and remarks, reconsideration of the rejections and allowance of claims 1, 3, 11 and 12 are respectfully requested.

Respectfully submitted,

ANDREW C. SIMINERIO
Registration No. 30,803
Attorney of Record

/Andrew C. Siminerio/
Telephone: (412) 434-4645
Facsimile: (412) 434-4292

May 27, 2008